

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Raymond Edward Chestnut,)	C/A No.: 1:14-2222-RBH-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
J. Comstock, discipline hearing officer,)	
in her individual capacity,)	
)	
Defendant.)	
)	

Plaintiff Raymond Edward Chestnut, proceeding pro se and in forma pauperis, filed this action pursuant to 42 U.S.C. § 1983 and *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). Defendant filed a motion to dismiss/summary judgment¹ on November 18, 2014. [ECF No. 24]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on November 19, 2014, advising him of the importance of the motion and of the need for him to file an adequate response. [ECF No. 25]. Plaintiff was specifically advised that if he failed to respond adequately by December 29, 2014, Defendant's motion may be granted. *Id.* The undersigned has extended Plaintiff's deadline two times, most recently granting Plaintiff until March 31, 2015, to respond to Defendant's motion. [ECF No. 31, 34].

¹ Because the motion presents materials outside of the pleadings, the undersigned has advised Plaintiff that the court intends to construe it as a motion for summary judgment. [ECF No. 34].

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to the motion. Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a substantive response to the arguments in Defendant's motion for summary judgment by April 21, 2015. Plaintiff is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

April 7, 2015
Columbia, South Carolina

A handwritten signature in black ink, reading "Shiva V. Hodges". The signature is written in a cursive, flowing style.

Shiva V. Hodges
United States Magistrate Judge